

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,

v.

JAMES BOTTI,

Defendant.

3:08-cr-230 (CSH)

**PRELIMINARY ORDER OF FORFEITURE**

Whereas on November 10, 2009, a jury convicted Defendant James Botti (“Defendant”) of the offenses alleged in Counts One and Two of the redacted Indictment charging him with violations of 18 U.S.C. § 371 and 31 U.S.C. §§ 5324(a)(3) and 5324(d). In the redacted Indictment, the United States gave notice to the Defendant that, in the event of his conviction, he would be required to forfeit to the United States all property involved in the alleged structuring offenses;

WHEREAS, on November 10, 2009, the jury, pursuant to Rules 32.2(b)(1) and (b)(4) of the Federal Rules of Criminal Procedure, determined that the defendant James Botti committed Structuring and Conspiracy to Structure offenses involving \$120,500.00, as alleged in Counts One and Two of the redacted Indictment, for which the Defendant had been found guilty; and

WHEREAS, the United States has filed a Motion for Entry of Preliminary Order of Forfeiture which would consist of a personal money judgment against the Defendant in the amount of \$120,500.00, which represents the total amount of forfeitable money involved in the illegal conduct charged in the counts for which the Defendant has been found guilty by the jury;

WHEREAS, Rule 32.2(c)(1) provides that “no ancillary proceeding is required to the

extent that the forfeiture consists of a money judgment;”

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant shall forfeit to the United States the sum of \$120,500.00 pursuant to 31 U.S.C. § 5317(c)(1); and

IT IS FURTHER ORDERED that pursuant to 21 U.S.C. §§ 853(g)-(i), the United States may dispose of this property according to law; and

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order; and

IT IS FURTHER ORDERED that the United States may, at any time, move pursuant to Rule 32.2(e) to amend this Preliminary Order of Forfeiture to substitute property having a value not to exceed \$120,500.00 to satisfy the money judgment in whole or in part; and

IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(3), this Preliminary Order shall become final as to the Defendant at the time of sentencing, and shall be made part of the sentence and included in the judgment; and

IT IS FURTHER ORDERED that the Clerk of Court is directed to send two (2) certified copies of this Preliminary Order of Forfeiture to Richard J. Schechter, Senior Litigation Counsel, United States Attorney, 915 Lafayette Boulevard, Bridgeport, Connecticut, as well as copies of this Preliminary Order to all counsel or parties of record.

SO ORDERED this 30<sup>th</sup> day of November, 2009, at New Haven, Connecticut.

/s/ Charles S. Haight, Jr.  
Charles S. Haight, Jr.  
Senior United States District Judge